

REMARKS

The Applicant provides the following remarks for consideration in further examination of the present application and explanation of the amendments presented herein.

Notice of Non-Compliant Amendment – 37 CFR 1.121.

Applicant has hereby inserted the proper underlines and strike-throughs into all amended claims, more specifically, claim 8, and now believes this amendment to be compliant with Patent Office rules. The previous omission of underlines and strike-throughs was inadvertent. All amendments and comments are believed to be substantively identical to Applicant's last response and are repeated here.

Claim Rejections – 35 U.S.C. § 102(a) and § 103(a).

Applicant previously elected to prosecute claims 8-21 and 42-56. Claims 8-14, 16-21, 42 and 44-48 were rejected in the Office Action dated May 10th, 2006, under 35 U.S.C. §102(a) over U.S. Pat. No. 6,990,458 to Harrison et al. ("Harrison"). Claim 15 was rejected under 35 U.S.C. §103(a) over Harrison in view of U.S. Pat. No. 7,022,017 to Halbritter, et al. ("Halbritter"). Remaining claims 43 and 49-56 were rejected under 35 U.S.C. §103(a) over Harrison in view of U.S. Pat. No. 6,219,648 to Jones, et al. ("Jones").

Remarks directed primarily to claims 8-21.

Applicant has amended independent claim 8 to more clearly distinguish the claimed invention from the cited prior art. Applicant maintains that Harrison is deficient in all the claimed features as currently amended. A key difference between the system disclosed in Harrison and claimed invention is that Harrison uses a computer to merely help track service requests while retaining all employee positions associated with prior art cable television servicing, while the present invention automatically creates work orders in a more complex property management environment allowing both the service request data entry person 112 and

the dispatcher 114 positions to be completely automated and eliminated, thereby resulting in far greater efficiencies and eliminating error associated with these positions. Harrison discloses that “[i]n a preferred embodiment, subscribers 108 communicate solely with service representative 112, while the technicians 110 communicate primarily with dispatcher 114.” The service representative 112 and dispatcher 114 do not exist in the claimed invention.

The system of Harrison receives MESSAGES communicated by e-mail, telephone, fax, etc., but the messages are entered into a computer by the service representative. This is accomplished automatically in independent claim 8 and dependent claims 9-21. Claim 8 has been amended to recite, “receiving a digitized service request from the service requestor, the digitized service request being entered by the service requestor into a web-based interface accessed by a first computer; storing the digitized service request with a second computer, the second computer being programmed to receive and store the digitized service request automatically; and”. Thus claims 8-21 require that the service requestor, NOT a service representative enter the data directly and that the information be stored automatically, which is clearly different and far more effective than the system disclosed by Harrison.

Claims 8-21 have also been amended to even further distinguish the claimed invention from Harrison. Claims 8-21 now require, “transmitting the digitized service request **automatically** to a third computer capable of displaying the digitized service request, the third computer being accessible to a receiver wherein the receiver is not the service requestor.” (emphasis added). Harrison requires a dispatcher 114 to transmit instructions to technicians 110, while the claimed invention as amended requires that this be done “automatically”.

The amendment to claims 8-21 supported throughout the specification, for example, in paragraph 0033: “In the case where the service request initiator is a tenant, the tenant begins by using a browser to access the Internet and reach a web site supporting the present invention. The service request initiator logs onto the system at that web site with an assigned user ID and password. The service request initiator can then select a hypertext link to enter a new service request. The system prompts the service request initiator to use pull-down menus to enter data into various fields such as the type of location of the problem, type of service needed and urgency. The request initiator also enters a description of the nature of the problem requiring service and submits the service request by selecting a submission button. Additional information about the service requestor and time of the request is automatically entered into the request.”

It is important to note that Harrison does NOT teach use of Internet other than e-mail. By entering into website directly no service request person 112 is needed to enter information into system and entire system can be automated.

Therefore, for the reasons given and the amendments presented claims 8-21 are not anticipated nor rendered obvious by Harrison.

Remarks directed primarily to claim 15.

With regard to the rejection of claim 15, the only sentence in the cited paragraph (Col. 3, Lines 26-43) of Halbritter that mentions audio data, specifically with regard to “menus”, was added to Halbritter in the last application in the chain, which was filed on January 21, 2000. Halbritter was a continuation-in-part patent application to the patent application that became U.S. Pat. No. 6,280,328, which does not mention any audio data and/or audio transmission and in fact a simple keyword search shows that it does not include the word “audio” at all. If necessary, Applicant believes that Applicant can demonstrate that its claimed invention was conceived well prior to January 21, 2000 and was reduced to practice with diligence. Applicant hereby reserves the right to make this demonstration at a later date if necessary. However, for purposes of this response, Applicant chooses to contest the merit of the Examiner’s assertion that Harrison in view of Halbritter produces the claimed invention of claim 15. As pointed out herein, Harrison does not contain the necessary automatic features as now recited in amended independent claim 8 and dependent claims 9-21, and this is also true for dependent claim 15. Furthermore, regarding “an audio portion of the digital service request” Halbritter only discloses “[a]menities server 104 . . . transmits menus (e.g., in the form of text, graphics, video, audio) . . .”, which is not the playing of “an audio portion of the digital service request”. A menu is pre-programmed into Halbritter while a digital service request is a not a menu and is not so restricted in order to reflect the diversity of requests associated with real property. Therefore, with all the caveats stated herein, the proposed combination of Harrison and Halbritter does not anticipate, nor render obvious, the claimed invention of claim 15, as amended.

Remarks directed primarily to claims 42-48.

The rejection to this set of claims is premised on them containing “non-functional” descriptive material, but completely ignored that the step of “identifying, with the property management system, a property manager by successively reviewing increasingly more general descriptions of the management affiliation of the property until (an appropriate recipient) is identified”. This is NOT a non-functional step as it requires review and identification of a proper recipient that the Applicant has found to be advantageous in a property management system. Furthermore, this limitation is based on “reviewing increasingly more general descriptions of the management affiliation”, not time limits as suggested in Jones, which is directed to casino guests, not property management. Given that the step of “identifying, with the property management system, a property manager by successively reviewing . . .” is clearly a claim limitation, the basis for this rejection should be removed.

Remarks directed primarily to claims 49-56.

The remainder of the claims depend from independent claim 49 which requires, “the service request having a specified level of urgency and being received by the property management system; identifying a recipient; comparing with the property management system the specified level of urgency against contact preferences previously specified by the recipient”. As in the remarks pertaining to claims 42-48, many of which apply here as well, Jones is insufficient to produce the claimed steps in combination with Harrison. In Jones the passage of time determines the level of urgency. In the claimed invention the service request already has a “specified level of urgency” which is used to direct the request to the correct recipient. This is not disclosed in Jones, therefore, the combination of Harrison and Jones does not anticipate, nor render obvious the claimed invention.

Conclusion

Applicant respectfully asserts that as amended, the pending claims are allowable over Harrison, Halbritter and Jones, individually or in combinations, and Applicant earnestly requests an indication of allowability of the claims as amended

If the Examiner has any additional questions, he is encouraged to contact the Attorney of Record, Mark A. Thomas, Reg. No. 37,953.

Respectfully submitted this 10th day of March, 2008.



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